

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
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 V.) CR. No.: 2:05CR0302-WHA
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)
 SOLOMON J. MCWILLIAMS)

**RESPONSE TO 2/27/06 ORDER AND SUPPLEMENT TO MOTION TO SUPPRESS
VEHICLE SEARCH¹**

COMES NOW, the Defendant, Solomon J. McWilliams, by and through undersigned counsel, Kevin L. Butler, and submits the following response to the Court's February 27, 2006 Order and supplement to the defendant February 23, 2006 Motion to Suppress.

In the defendant's February 23, 2006 Motion to Suppress, the defense asserts, "Nevertheless, after questioning Mr. McWilliams, the police improperly sought and obtained consent to search Mr. McWilliams' vehicle." Docket #11 at p.2. Further investigation has revealed that Mr. McWilliams did not provide consent to search his vehicle. Specifically, further investigation has revealed and testimony at the suppression hearing will be that Mr. McWilliams was actually inside the residence when police decided to question him. He was not approaching the residence as previously referenced. Docket #11 at p. 1. When the police sought consent to search his vehicle, Mr. McWilliams informed the police, "what for, that car ain't got nothin' to do with this" and did not provide consent for the vehicle search. Subsequently, the police informed Mr. McWilliams that because he had a warrant outstanding, the police could search this vehicle.

¹ At the status conference in this case, the parties informed the court that Mr. McWilliams was considering a settlement offer made by the government. Mr. McWilliams has rejected the settlement offer and informed counsel he wishes to proceed to trial.

WHEREFORE, as there was not consent to search the vehicle, the motion is not due to be summarily denied and a evidentiary hearing is respectfully requested.

Dated this 3rd day of March 2006.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Christopher A. Snyder, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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